

EXHIBIT 46

DRAFT PROCESSING PLAN
RPF PROCESSING OF FAMILY FAIRNESS APPLICATIONS
UTILIZING DIRECT MAIL PROCEDURES

This proposal identifies one feasible method for accomplishing the initial receipt of documents required for an alien to request coverage under the Service's recently announced policy shift on family fairness. As a result of this change in policy, current estimates are that greater than one million IRCA-ineligible family members will file for this benefit.

Because of the anticipated scope of this workload on the Service, it is advisable to identify cost-efficient and effective methods to receive and process applications for inclusion under the Family Fairness Policy (FFP). Therefore, it is recommended that one viable option will incorporate many of the resources currently in place throughout the Service. One such plan, which can be activated with a minimum lead time and effort is to have aliens direct mail their applications to Service Regional Processing Facilities (RPF).

ALIEN MUST FILE BY MAIL WITH THEIR RPF:

1. One Form I-765, Application for Employment Authorization

- Instructions are modified for this form to tell aliens to enter
"F F P"
in the three () located in item #16 on the I-765

Money order or bank check for \$35.00 made out to INS, if employment authorization is required

Affidavit of family membership, using the required format

THE RPF WILL USE THE IAPS SYSTEM TO DO THE FOLLOWING:

Note: Simply stated, the RPF will handle the I-765 with accompanying documentation, in very much the same manner as the current I-698, used by temporary residents under § 245a to apply for adjustment to permanent resident status.

1. If application is complete, as required, process. If not, it is returned to the alien until it is perfected.
2. If processable, the I-765 is forwarded to data entry. Here, a new A-number will be assigned to the application and the resulting record.
3. IAPS will be used to capture all data from the I-765 for which there is a comparable field in IAPS. For starters, the form type will be I-765, the fee amount \$35.00, etc. Information for which there is no comparable field

in LAPS will not be able to be keyed until modifications are made to the system. The resulting electronic record will enable the Service to track individual cases, produce timely management reports, and send notices to the alien.

4. After data entry, all paperwork is placed in the appropriate A-file folder.
5. The fee, if indicated, is processed with monies deposited to X accounts.
6. LAPS will preempt all other interviews which have been scheduled and will schedule I-765 applicants to appear for interview instead, at the earliest practicable date.
7. LAPS prints an automated mailer to the applicant. This mailer tells the alien that their request for coverage under FFP has been received. The mailer states that it is a replacement I-689 document and grants employment authorization until the date of a scheduled interview. Suggested text:

"We have received your request for relief from deportation under the Family Fairness Policy. You must appear at the office listed below on _____ for an interview so we may make a decision on this application. If we approve your application, you will receive employment authorization at that time. If you move, notify the INS of your new address using form I-697A, available at any INS office."

MESSAGE REPEATS IN SPANISH - MAXIMUM MAILER LINES = 12

- 7A. Alternatively, if policy requires that employment authorization be instantaneous, upon processing of the I-765, the suggested language is:

" We have received your request for relief from deportation under the Family Fairness Policy. You will be notified to appear at an INS office for an interview so we may make a decision on this application. This document replaces form I-689 and, combined with proper identification, authorizes employment until _____. If you move, notify the INS of your new address using form I-697A, available at any INS office."

MESSAGE REPEATS IN SPANISH - MAXIMUM MAILER LINES = 12

ALIEN RECEIVES NOTICE AND SHOW UP AT PHASE II OFFICE HAVING LAPS ACCESS

1. I-213 completed on alien. Decision on EVD is made.
2. Alien is interviewed to determine applicability of FFP relief and veracity of family relationship claim. Examiner uses online screen record of I-765 data.
3. If I-765 approved, alien processed at that office for EAD card.
4. If FFP coverage denied, alien notified in writing using Form I-210. LAPS

screen updated to reflect status.

5. Copy of I-210, I-213 sent to district Deportation and Investigation branches for issuance of an OSC if alien does not leave the country within 30 days voluntarily, as provided on the I-210.

ESTIMATED RESOURCES REQUIRED

	<u>@1,000,000 interviewed in 100 workdays</u>		
1. Clerical staff at RPFs:	100	est cost.	\$ 1,348,500
2. Adjudicators at RPFs:	250		3,371,250
3. Clerical staff in Field:	250		3,371,250
4. Adjudicators in Field:	500		6,742,500
<hr/>			
est. subtotal personnel costs:	1,100		\$ 14,833,500
est. software modification costs:			200,000
est. miscellaneous support costs:			2,000,000
<hr/>			
total estimated costs:			\$ 17,033,500

PRO:

- o Centralizes control, security and consistency.
- o Requires less personnel than a more distributed plan.
- o Buys the Service valuable time to get ready. The time normally wasted in mailing can work to our benefit.
- o Diminishes the potential for a "circus atmosphere" created by the media or our critics, who will be avidly looking for signs of disorganization or inconsistency at our offices.

CON:

- o Cost. This can be offset if the Legalization program is allowed to use the fees received from Form I-765 applications, without restriction, to accomplish this special project and to remedy disruption caused to the ongoing legalization, SAW and RAW programs.
- o Holds the alien, and their representative at arms length. This may be perceived as negative by the public. However, given the emotional nature of

this issue, the Service cannot take the risk of exposing too much of itself to the public until we are ready to handle however many aliens come forward.

T. Andreotta (February 8, 1990)
RPF-1.FFP